



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

James D. THACKSTON

Serial No.: 09/903,522

Confirmation No.: 3907

Filed: July 13, 2001

Docket No.: 55536.000009 (2040902-5001)

Group Art Unit: 2128

Examiner: FREJD, Russel Warren

For: **A NETWORK-BASED SYSTEM
FOR THE MANUFACTURE OF
PARTS WITH VIRTUAL
COLLABORATIVE ENVIRONMENT
FOR DESIGN, DEVELOPMENT AND
FABRICATOR SELECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO FAILURE TO ACCEPTABLY
RESPOND TO NOTICE OF NON-COMPLIANT AMENDMENT**

Sir:

In response to the Office Communication mailed on September 24, 2004, Applicant respectfully requests reconsideration of the application in view of the following Amendments and Remarks.

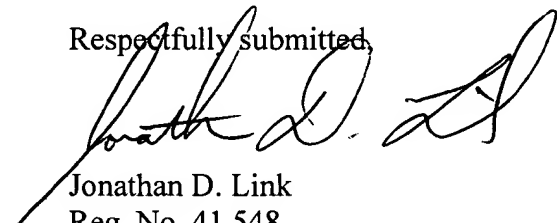
Enclosed is replacement Claims Section for Applicant's response filed on July 26, 2004. Applicant respectfully submits that this replacement section provides a complete listing of all the claims in the application. No fees are believed due with this response. In the event any fees are due, including any extension of time fees, Applicant authorizes such fees to be charged to Deposit Account No. 23-1951.

Applicant notes that the Failure to Acceptably Respond to Notice of Non-Compliant Amendment, a copy of which is attached, is confusing on its face. First, the Notice states that a response "filed on 7-26-04 fails to provide corrective action required by the **prior Notice of Non-Compliant Amendment (37 C.F.R. 1.121)** mailed on 9-23-04." Thus, the present notice appears to require the Applicant to responded in July to a notice not yet sent. Clearly, this is an impossible requirement. Second, no such first Notice has been received by Applicant's representatives. Further, the present Notice was mailed on September 24, 2004, one day after the first Notice was allegedly sent. Finally, the present Notice lacks a signature or telephone number for Applicant's representatives to contact to address the above issues.

In view of the above identified requirements sent forth by the U.S. Patent and Trademark Office, which are impossible to meet, Applicant submits that the present response is appropriate and timely, and that the Response filed on July 26, 2004, with the replacement Claims Section, should be forwarded to the Examiner for consideration on the merits.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,



Jonathan D. Link
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Date: October 1, 2004

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